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Congressman Dan Lungren, Representing California's Capital Region - 3rd District

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Dear Friend,

It is a privilege and an honor to continue represent you. As we prepare for the new Congress, I look forward to working with my colleagues on both sides of the aisle to develop effective policies to deal with ongoing issues that concern all Americans including homeland security, ethics reform, illegal immigration, and the war on terrorism. To be sure, there will be engaging discussions and spirited debate as congressional members with diverse perspectives seek to implement what they believe to be the best solutions to these pressing concerns. Although I remain committed to the principles of fiscal responsibility and the protection of the American people, I believe we can and will collaborate for the greater good of our nation and the good of the people we are committed to represent.

As we gear up for the 110th Congress, I will keep you posted as to legislation I am working on and plan to introduce in the coming months. In September, I introduced the Daniel Webster Congressional Fellowship Act, along with my California colleague, Rep. Zoe Lofgren. This bill would establish a fellowship program. analogous to a judicial clerkship, for qualified law school graduates to serve in Congressional offices. The idea for this legislation grew out of several conversations I had with Dr. Larry Kramer, dean of Stanford Law School. Although we have different approaches to the law, we agreed that contrary to the intent of the Framers, the meaning and interpretation of the Constitution had been removed from the hands of the people and relegated to an increasingly overreaching judiciary. The bill is an effort to attract exceptional law school graduates to Congress where they would work with Committee Chairpersons and Ranking Members to enhance and impact the legislative process. I plan to reintroduce the Daniel Webster Congressional Fellowship Act once the 110th Congress convenes.

It is my firm belief that if the judiciary is indeed to remain, as characterized in Federalist #78, as the least dangerous branch, judges must not be beyond all accountability. In this regard, I will also reintroduce the Peremptory Challenge Act of 2005. In cases of judicial malfeasance or bias, each side in a civil or criminal case would have the right to exercise one challenge to the selection of the judge assigned to the case. Current law requires that a judge remove him or herself from "any proceeding in which his [or her] partiality might reasonably be questioned." Ironically, though, the challenged judge is the one who hears the motion seeking his own disqualification - he or she effectively becomes a judge in his or her own case. The judicial peremptory challenge has been used in California for decades, with a beneficial effect on the administration of justice. The federal judiciary should not be exempt from similar accountability in the pursuit of justice.

As always, I welcome your input and feedback. To send me an e-mail, visit my website at www.lungren.house.gov [link 2] and click on "e-mail the Congressman." I look forward to hearing from you!

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Sincerely,

Daniel E. Lungren Member of Congress

Contact Information

<u>Washington Office</u>: 2448 Rayburn HOB - Washington, DC 20515 Phone: (202) 225-5716 - Fax: (202) 226-1298

<u>District Office</u>: 2339 Gold Meadow Way, Suite 220 - Gold River, CA 95670 Phone: (916) 859-9906 - Fax: (916) 859-9976

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